

REMARKS

Upon receipt of the Restriction Requirement, Claims 1-56 were pending. Claims 1, 3, 5-6 and 8-15 are amended herein. Claims 2, 4 and 7 are cancelled herein without prejudice. Claims 57-74 are newly added. The amendments to the claims and the newly added Claims 57-74 are fully supported in the specification as originally filed and do not constitute new matter.

In particular, support for amended Claim 1 may be found in the Specification on page 3, line 16 and page 18, lines 7-8, and original Claims 1 and 2. Support for newly added Claims 57-60 may be found in the Specification at page 17, line 18, to page 18, line 15. Support for newly added Claims 61-74 may be found in the Specification at page 3, lines 17-30; at page 14, lines 10-13; at page 9, lines 9-13; at page 11, line 18-20; at page 11, lines 27-29; at page 12, lines 5-9; at page 14, lines 23-26; at page 17, lines 5-7, and at page 17, lines 18-19.

Entry of the above amendments and newly added claims is hereby respectfully requested in view of the following remarks.

Restriction Requirement

Restriction to one of the following inventions is required by the Examiner under 35 U.S.C. 121:

Group I: Claims 1-15, drawn to a precursor composition for preparing a buffered dialysate, the precursor composition comprising citrate at a concentration ranging from about 20 to about 900 mEq/L; a buffer; water; chloride at a concentration ranging from about 1,000 to about 7,000 mEq/L; and at least one physiologically-acceptable cation.

Group II: Claims 16-25 and 51-53 drawn to a buffered dialysate composition comprising treated water; chloride at a concentration ranging from about 20 to about 200 mEq/L; citrate at a concentration ranging from about 0.5 to about 30 mEq/L; a buffer; base including bicarbonate; and at least one physiologically-acceptable cation.

Group III: Claims 26-38 and 46, drawn to a method of forming a dialysate precursor composition comprising mixing treated water, chloride, citrate, at least one buffering anion selected from acetate and/or lactate, and at least one physiologically-acceptable cation to provide a composition having chloride at a concentration ranging from about 1,000 to about 7,000 mEq/L, citrate at a concentration

ranging from about 20 to about 900 mEq/L, and at least one buffering anion selected from acetate and lactate at a concentration ranging from about 0.01 to about 150 mEq/L and a composition prepared.

Group IV: Claims 39-45 and 47 drawn to a method of forming a buffered dialysate composition comprising mixing a dialysate precursor composition with an aqueous bicarbonate-containing solution, the dialysate precursor composition comprising treated water, chloride, citrate, at least one buffering anion selected from acetate and lactate, and at least one physiologically-acceptable cation to provide a dialysate composition having chloride at a concentration ranging from about 44 to about 143 mEq/L, citrate at a concentration ranging from about 1.5 to about 30 mEq/L, and at least one buffering anion selected from acetate and lactate at a concentration ranging from about 0.01 to about 3.6 mEq/L and composition prepared.

Group V: Claims 48-50, drawn to an aqueous acid-concentration composition comprising water, chloride at a concentration of about 1,000 to about 7,000 mEq/L; citrate at a concentration ranging from about 20 to about 900 mEq/L; and sufficient physiologically acceptable cations to provide for a neutral composition, wherein the composition has a pH of less than 4; and does not contain any of acetate, bicarbonate or lactate.

Group VI: Claims 54-56, drawn to a method for performing dialysis comprising combining a first solution with a second solution to form dialysate, and performing hemodialysis with the dialysate, the first solution comprising citrate, buffer and water, the second solution comprising bicarbonate and water.

Applicants hereby elect Group I, *i.e.*, Claims 1-15, with traverse, for the following reasons.

The Examiner has restricted claims among the dialysate precursor composition (Group I, Claims 1-15), the method of making the dialysate precursor composition (Group III, Claims 26-38 and 46) and the method of using the precursor composition in the preparation of a buffered dialysate composition (Group IV, Claims 39-45 and 47). Applicants respectfully submit that it would not be an undue burden on the Examiner to search all of these claims together, since all of the claims require the presence of the dialysate precursor composition as set forth in Claim 1. Furthermore, the Examiner has not provided a reason for a restriction among these three

groups. Applicants note that the concentration of chloride present in the dialysate precursor composition is understandably higher than the concentration of chloride present in the dialysate composition prepared from the dialysate precursor composition, because in order to prepare the dialysate composition, the precursor dialysate composition must be mixed with an aqueous bicarbonate-containing solution. In order to obtain the desired concentration ranges of the ingredients in the dialysate composition, the precursor composition must contain the concentration ranges of the ingredients as set forth in Claim 1. Accordingly, Applicants respectfully request the rejoinder of Group III and/or Group IV to Group I, and that the claims directed thereon be examined together.

In the event that the restriction requirement is made final, Applicants reserve the right, under MPEP 821.04, to request the rejoinder of Group III to Group I or the rejoinder of Group IV to Group I upon allowance of claims directed to Group I.

New Claims 57-75

New Claims 57-60 are directed to further limitations of Claim 1 with respect to the form of iron present in the claimed composition. Accordingly, Applicants respectfully submit that new Claims 57-60 are within the scope of the elected subject matter of Group I and should be examined therewith.

New Claims 61-74 are directed to a dry dialysate precursor composition wherein upon mixing the composition with water, the concentration of the ingredients present in the resulting composition is the same as the concentration of the ingredients of the dialysate precursor composition of Claim 1. Accordingly, Applicants respectfully submit that new Claims 61-74 should be examined with Group I.

Conclusion

Applicants respectfully request the rejoinder of Group I with Group III and Group IV, or, in the alternative, the rejoinder of Group I with Group III or the rejoinder of Group I with Group IV. Applicants reserve the right to file separate divisional applications on non-elected subject matter.

Reconsideration of the claimed subject matter is hereby respectfully requested in view of the foregoing remarks.

Respectfully submitted,
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